Middlebury

UNIVERSAL ACCESS PLAN

Phase I Status Report

Preliminary Review Draft 1.0
5 August 2008

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MIDDLEBURY COLLEGE UNIVERSAL ACCESS PLAN

Phase I Status Report **Preliminary Review Draft 1.0**

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5 August 2008

MIDDLEBURY COLLEGE

Universal Access Plan

DRAFT 1.0

August 2008

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I INTRODUCTION: Phase I Status Report Draft 1.0

August 2008

The 1973 *Rehabilitation Act* and the 1990 *Americans with Disabilities Act* are civil rights laws that prohibit discrimination based on disability. They address employment, transportation, programs and services, design and construction, and effective communication. The federal government conducts investigations to ensure compliance with their statutory and regulatory requirements.

To ensure the campus' accessibility and to limit the risk of complaint, Middlebury College Trustees recommended developing a *Universal Access Plan* that defines a 10-year architectural barrier removal plan and recommendations for access improvements for parking, transportation, public events, employment, and academic services.

The College President convened a Universal Access Committee with representatives from faculty, staff, and students, managed by Facilities Services. The Committee began by reviewing the results and recommendations of the 2007 master plan's accessibility initiative, and a document summarizing the lessons learned from ADA and 504 settlement agreements with other colleges and universities. In a three-phase process, the committee will:

- Document all of the college's current access policies and protocols
- Assess compliance of current facilities, policies, and procedures
- Recommend management and policy modifications to strengthen current service delivery
- Develop priorities and budget recommendations for barrier removal

This document summarizes the results of the first phase of the Universal Access Committee's work. It includes a binder of all current, written access policies and protocols, and has made progress in the following areas:

1. **Vision Statement:** *A Universally Accessible Middlebury College.*
2. **Employment Accommodation**: Proposes a detailed assessment of current practices to ensure compliance with all legal obligations and to enhance coordination and confidence among departments, faculty and staff.
1. **Accessible Parking**. Recommends relocating some accessible spaces closer to building entrances and clarifying protocols for obtaining accessible parking permits.
2. **Accessible Campus Transportation**. Recommends reviewing contract, community, and staffing options to make on-demand rides more reliable.
3. **Emergency Plans for People with Disabilities.** Proposes a process to enhance current evacuation policies to ensure safe egress for people with disabilities.

4. **Architectural Barrier Removal Priorities.** Prioritizes the facilities requiring architectural barrier removal over 10 years based on criteria considering use, users, uniqueness.
5. **Architectural Barrier Removal Criteria.** Establishes criteria for barrier removal facilities that were constructed or altered since 1992, and for older facilities pre-dating the ADA.
6. **Facility Access Summary.** Applying the criteria to comply with ADA and 504 (#7), estimates barrier removal from the Library, Sunderland, and Kelly/Lang could cost between $754,000 - $994,000.
7. **Training,** Recommends campus-wide training in ADA/504 rights and responsibilities for faculty and staff, with specific skill-enhancement training for select positions in Facilities Services, Human Resources, Public Safety, and administrators of public venues.

The second phase of the project will continue to advance each of the areas discussed above, and begin work to recommend improvements in effective communication, budget requirements, and an effective management system to ensure ongoing progress, monitoring, and reporting of access policies and barrier removal progress

II VISION: *A Universally Accessible Middlebury College* Draft 1.0

August 2008

Universal Access is a combination of architectural access as well as policies, procedures, and attitudes that value a diversity of ages, physical abilities, and learning styles. *The Universal Access Plan for Middlebury College* will:

- Serve as a **guiding concept** for all aspects of College operations.
- **Intersect** thoughtfully with other campus-wide initiatives.
- Recognize access as a federal, **civil right**.
- Define **equal access** as independent access for people of all ages and abilities.
- **Recognize the challenges** inherent in the College's topography, weather conditions, and 12-month curricula.
- Define an ongoing role for the Universal Access Committee and '**user-experts**'.
- Make universal access an actively shared **community concern** by promoting:
  - **Training**. Campus-wide training for disability awareness, rights and responsibilities, and accommodation protocols for employees, students, and visitors
  - **Design**. Design management protocols to ensure campus planning, design, construction, and maintenance that meet state and federal standards and promote campus use by people of diverse ages and abilities.
- Include a detailed, prioritized **implementation plan**.
- Include a long-term commitment of administrative and financial **resources**.
- Integrate ongoing **administrative methods** allowing the plan to be monitored and evolve in response to new challenges, resources, and technologies.

III EMPLOYMENT ACCOMMODATION Draft 1.0

August 2008

Middlebury College, as a private entity providing public accommodations, is subject to the employment provisions of Title I of the *Americans with Disabilities Act* of 1990 (ADA) which prohibits job discrimination against qualified individuals with disabilities by employers with 15 or more employees. Additionally, because the College receives federal government contracts/subcontracts in excess of $10,000, it is also subject to compliance obligations under Section 503 of the Rehabilitation Act of 1973 (503). This section which requires Middlebury College to take affirmative action to employ and advance qualified individuals with disabilities.

The Office of Federal Contract Compliance Programs (OFCCP) enforces both Section 503 and Title I of the ADA, although the Equal Employment Opportunity Commission (EEOC) has primary authority for enforcing the Title I of the ADA.

Initial conversations with College personnel and a review of compliance information posted on the College's website indicate a decentralized approach to disability compliance implementation in general, as well as in its protocols for providing accommodations to employees with disabilities.

A preliminary assessment of Middlebury College's practices and procedures concerning disability-related compliance revealed the following general areas that, pending additional discussions with Middlebury College Human Resources personnel, may indicate a need for further study[1]

1. **Confusion regarding legal mandates and College's policies, practices and procedures.** In particular, obligations under 503 of the Rehabilitation Act of 1973, including but not limited to, the following:

   - Equal Opportunity Policy
   - Nondiscrimination Policy
   - Affirmative Action Program

- Confidentiality Policy
- Self-Identification Procedure
- Reasonable Accommodation Process Procedure
- Discrimination Grievance Procedure

2. **Sharing of disability resources College-wide.** The decentralized approach to disability services has had the effect of minimizing coordination and sharing of resources available among several departments.

3. **Current or potential organizational confusion** or inefficiency regarding the most prudent method(s) to ensure consistent and credible disability service delivery to employees with impairments and disabilities

4. **Internal inconsistencies in Interpretation.** Preliminary interviews with select College staff responsible for ADA/503 implementation and reviews of selective documentation including College's website(s) indicate possible internal differences of opinions regarding the proper methods to employ and manage the College's employment disability obligations

These issues are common in colleges that have not adopted and implemented a comprehensive, integrated disability management system. In the current climate where governmental agencies are auditing and investigating ADA/503 compliance on private colleges and universities, it is important to review, strengthen, and coordinate disability-related protocols, benefits, and grievance procedures. This will both enhance the college's risk management as well as its student and employee diversity.

KMA recommends working with Human Resources to develop a comprehensive assessment of the current structure and protocols for disability-related employee accommodations. This should yield specific recommendations for integrating HR policies and protocols with those being developed with other college departments.

IV Accessible Parking Recommendations DRAFT 1.0

August 2008

Interviews during the master planning process found that people with disabilities rely on their cars to get around campus. Most people with disabilities at Middlebury have invisible disabilities that significantly impact their ability to walk long distances. Distance, more than slope, is the biggest issue for accessing campus programs and facilities.

Middlebury College currently provides accessible parking and two types of accessible parking permits when requested by students and employees. Informal interviews during the master planning process identified six problems with t he current process:

1. Although there is an adequate number of accessible parking places, most are not located close enough to campus facility entrances to be useful.

2. Limited access roads further decrease the ability of people with disabilities to park close to the campus facilities they use.

3. The process for getting an accessible parking permit is not clear, and not consistently implemented.

4. Medical information revealed during the qualification process is not always kept confidential.

5. Enforcement is not consistent; and tickets issues improperly are difficult to resolve.

6. There is confusion among permanent and temporary permits, as well as competition for student and faculty spaces.

The Department of Public Safety, in cooperation with HR, Facilities, and ADA Offices, has developed a clear approach to address these problems.

CLARIFIED APPROACH TO ACCESSIBLE PARKING

1. Develop written protocols and criteria to provide accessible parking for three constituents:

   a. Students
   b. Faculty/Staff
   c. Visitors

2. Develop written criteria for two types of permits: accessible and temporary ('Z') parking permits.

3. Identify a specific college administrator for requests for 'one-stop-shopping':

• HR	Laura Carotenuto	Faculty & Staff
• ADA Office	Jodi Litchfield	Students
• Health Center	Name	Temporary Medical

4. HR, ADA, and Health Center staff will administer the qualifications process. The Public Safety Office will issue accessible/temporary access permits to people qualified through any of these offices and to people with valid, state-issued HP plates/placards.

5. Develop written protocols similar to those required by the Vermont Department of Motor Vehicles for necessary information:
   a. Documentation of disability
   b. Permanent or temporary (timeframe)
   c. Specific accommodation requested
   d. Copy of a state-issued HP plate or placard, where applicable.
6. Develop written protocols for coordinating with college personnel to review requests.

THREE TYPES OF PERMITS

- **Middlebury Permits –** for all faculty, staff and students.
- **Access Permits** – for people with long-term/permanent disabilities.
- **Temporary ('Z') Permits** – for people with short term medical issues.

THREE TYPES OF PARKING SPACES

- **Standard Middlebury Spaces.** All students/faculty/staff/visitors parking on campus.
- **Accessible Spaces.** - For people with state-issued HP plates/placards and/or access permit from Middlebury. These are intended for people with long term/permanent disabilities.
- **Special** **Permit Required.** These are for people with temporary disabilities or other special conditions, as established by the College. Students with permits will be allowed to park in accessible or faculty spaces. Employees will be provided with a temporary parking space, as needed, in the location(s) as close as possible to the facility(s) they access. These will be provided on a temporary basis, as needed, using movable signs developed on campus.

RECOMMENDATIONS

KMA recommends that Middlebury's Public Safety Office name a responsible person to work with HR, Facilities, and the ADA Office to:

- Confirm the contact person(s) for students, faculty, staff, and visitors. (October 2008)
- Develop clear, written protocols for assigning accessible and temporary accessible parking permits. (Public Safety/ADA/Facilities Services). (October 2008)
- Develop application protocols and forms for each permit type. (Public Safety/ADA/Facilities Services) (October 2008). These should include:
  - Confidentiality guidelines ('need-to-know')
  - Criteria for approval/denial of requests
- Develop a written grievance procedure that is handled without conflict of interest (October 2008).
- Post protocols, criteria, and all necessary forms on www.middlebury.edu. Maintain links from HR, ADA Office, and Public Safety (October 2008).
- Train administrators – Deans, ADA Office, HR, Public Safety, etc. – in all protocols and criteria. This should include the policies, protocols, grievance procedure, and critical importance of formal and informal confidentiality measures. (November 2008).
- Hire a consultant to develop a plan for (October 2008):
  - Additional accessible and temporary access parking spaces that are close to facility entrances, as shown on the attached campus parking map.
  - Retractable bollards (or other methods) for 'limited access roads' so that people with disabilities can park and/or be dropped off close to facilities located on these roads.
- Develop a Temporary Access Permit ("RESERVED") that is clearly recognizable by Public Safety Enforcement personnel. (October 2008)
- Develop moveable Temporary Access Parking signs. (October 2008)
- Develop

signs and locations; and written protocols for their location and assignment.
- Update training Public Safety Officers in accessible parking policies/enforcement. (September 2008)
- Post all parking protocols and policies on www.swarthmore.edu by1 January 2009.

SLOPE

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Entrance/Parking
Require Additional Study

Acc. Parking Required

Limited Access Road
Requiring Retractable Bollards

Existing Accessible Parking

VI Emergency Evacuation Procedures for People with Disabilities

August 2008 **Draft 1.0**

An emergency evacuation plan for people with disabilities typically includes:

- *General emergency evacuation procedures* with specific procedures for people with disabilities.
- *Written plans for people with known disabilities* who have self-identified
- *Protocols for visitors or other people with disabilities* who have not self-identified
- *Students/Faculty/Staff*
  - Emergency contact information
  - Audible & visual information sources
  - Emergency medical supplies
  - Schedules on file with Public Safety
  - System of volunteer assistants
- *Facilities*
  - Floor monitors
  - Volunteer assistants
  - Areas of rescue assistance/refuge
  - Signage identifying areas of rescue assistance/refuge
  - Clearly marked egress routes
  - Gathering Points
  - Audible & visual alarms
  - Evacuation chairs
  - Emergency telephones
  - Regular emergency drills
- *Alternative methods of contacting Public Safety* in an emergency.
- *Coordination of campus plan with municipal first responders*
- *Training* for volunteers, monitors, public safety, and others involved in any aspect of evacuation protocols
- *Administrative methods* for regular evaluation, updates, drills, and training.

Developing a comprehensive plan for the entire campus is a substantial undertaking. KMA recommends the following steps:

I Prototype Development (Year 1)

- Review/develop self-identification process and protocols – students, faculty, and staff.
- Review existing emergency contact and communication strategies.
- Develop plan for three sample facilities – dormitory, academic/administrative, and public venue.
- Develop and implement training for people with disabilities, volunteers, Public Safety, and administrators.
- Conduct drill in each facility.

- Review and revise plan as needed.
- Develop train-the-trainers package for additional facilities/individuals.
- Develop administrative methods to ensure updates each semester, each new individual with a disability, and each new/renovated facility.

II Expanded Procedures (Year 2)

- Expand these procedures into several additional facilities.
- Conduct training
- Conduct drills in these facilities + the prototypes.
- Review and revise plans as needed.

III Campus-Wide Emergency Evacuation Plan Deployment (Year 3)

Expand the procedures campus wide, to include all facilities and administrative methods to ensure regular updates, training, and drills.

VII EFFECTIVE COMMUNICATION (Phase II)

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Effective communication assessment and recommendations will be reviewed in Phase II of the Universal Access Plan development process.

VIII ARCHITECTURAL BARRIER REMOVAL PRIORITIES DRAFT 1.0

August 2008

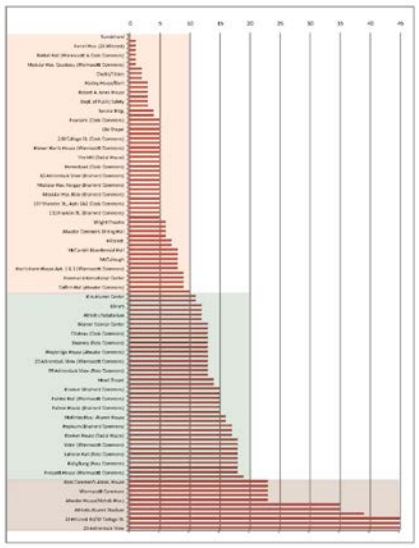
The Universal Access Committee considered the results of two methods for establishing priorities for architectural barrier removal from campus facilities. To plan for this barrier removal, some buildings needed urgent barrier removal, and others were substantially accessible and had little public use.

The first method used to establish priorities was described as the qualitative or 'gut' approach. The College's ADA Coordinator reviewed the list of campus facilities and assigned each facility into one of four categories. These categories do *not* reflect the size of the problem, but rather the *urgency* for barrier removal. Facilities were fairly evenly divided among categories from 1 (most urgent) to 4 (little or no need for barrier removal).

The second method used a quantitative approach, rating facilities based on the following criteria:

- Current level of accessibility (substantially accessible – not accessible)
- Use (classroom, dormitory, athletic, etc.)
- Users (faculty, administration, students, visitors)
- Frequency of Use (high – low)
- Uniqueness (could programs be relocated, if needed, to an accessible facility)

Comparing the results of each method, about 40% of the facilities were rated in a similar level of urgency, 40 % diverged somewhat, and the remaining 20% were significantly different.



Working with this information, the committee made its final recommendations about prioritizing facilities for barrier removal based primarily on the quantitative ratings, with some qualitative input based on committee members' understanding of summer use, problems experienced by people with disabilities, planned alterations, and other organizational input. Those requiring less than $100,000 (+/-) to make accessible were separated from those that might require more substantial interventions. Dormitories were considered separately, as it is important to consider a variety of choices for students among different commons and special interest houses.

The chart on the following page shows the committee's final recommendations for barrier removal from campus facilities over the next 10 years. In Phase II, budget estimates will be developed for barrier removal from the first 30 facilities.

MIDDLEBURY COLLEGE UNIVERSAL ACCESS PLAN
Facilities Prioritized for ADA Barirer Removal

August 2008

	Priority 1	Priority 2	Priority 3	Priority 4	Priority 5	Priority 6	Priority 7	Priority 8	Priority 9	Priority 10
< $100k	Wright Theater Johnson Memorial Building Kirk Alumni Center Emma Willard McCullough Proctor Hall	Warner Science Center Munroe Mead Chapel	Sunderland	McKinley House Twilight Hall	Accessible Pathways	Munford House Accessible Pathways	Accessible Pathways	Athletic Alumni Stadium Accessible Pathways	Farrell Hse Hesselgrave H. Freeman Intrntnl Cntr Bowker Barn/Office Bldg Chellis/Tilden	The Bubble 23 Adirondack View Centeno Harris Farm House Apt. 1 & 2 Charles P. Scott Center 236 College St. Dept. of Public Safety Modular Hse. Cousteau Carr Hall Robert A. Jones House Recycling Center
> $100k	Athletic Natatorium Library Athletic Memorial Complex Parking Meeker House Curb Ramps Detectable Warnings	Kenyon Arena	President's House Service Building Brakett	Center for the Arts Hadley House/Barn Bicentenial Hall						
Dormitories	Battell (C&W) Forest (C)	Coffrin (A) Starr (W)	Stewart (B) Painter (W)	Allen (A) Pearsons (C)	Gifford (W) Hepburn (B) Le Chateau (A) Voter (W)	Brackett (SH) Brooker (B) Palmer(B) Prescott (W)	Attwater Hall A (A) Attwater Hall B (A) Hadley (R) Kelly (R) Lang (R) LaForce Hall (R) Milliken (R) Ross Tower Apts. (R)	108 South Main St (W)(Chinese House) 131 Flanklin St (B)(Arabic House) 20 Adirondack View (W) (Japanese House) 242 College Street (B) (Portugese House) 51 Franklin St (A) (French House) 70 Hillcrest Rd (B) (Queer Studies House) 97 Adirondack View (C) (PALANA House) 99 Adirondak View (R) (Russian House) Deanery (R) (German House) Longwell ((C) Italian House) Perkins (B) (Spanish House) Weybridge House (Environmental House) Atwater Commons House (275 Weybridge St) Brainerd Commons House (132 Blinn Lane) Cook Commons House (46 South St) Ross Commons House (26 Blinn Ln) Wonnacott Commons House (115 Franklin St)	Bowker House (SH) Sperry House (91 Franklin) (W) Norgay (B) Peary (B) Ride (B) Cousteau (W) Earhart (W) Turner (W) Porter (C) Jewett (B) Homestead (C)	33 Adirondack View (W) 82 Adirondack View (B) Harris Farm House (W) Homer Harris House (W) KDR (SH) The Mill (SH) Fletcher (C) 107 Shannon Street (C) 248 College Street (C) 637 College Street (C)

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IX ARCHITECTURAL BARRIER REMOVAL CRITERIA Draft 1.0

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Both the ADA and Section 504 of the Rehabilitation Act (504) have requirements for pro-active, architectural barrier removal from existing facilities. They also have minimum standards for design and construction of new facilities and alterations. The minimum standards for the two laws are substantially the same. However, barrier removal requirements for pre-existing facilities are somewhat different. Following is a discussion of proposed criteria that Middlebury College can use to plan for barrier removal from its campus facilities to ensure compliance with both the ADA and 504.

EXISTING FACILITIES

There are two standards that must be applied to planning architectural barrier removal from buildings that were constructed prior to the ADA. Both of these standards must be applied when planning campus accessibility.

ADA Readily Achievable Barrier Removal

Where a facility was built before 1992, and has had no significant renovations, the ADA requires architectural barrier removal of only those elements whose removal is 'readily achievable,' i.e. can be accomplished 'without much difficulty or expense.'

504 Barrier Removal to Provide Access to Programs and Services

504 requires barrier removal to ensure access to programs and services that cannot be relocated to accessible locations. This requirement is limited only where the owner can show that removing the barriers would be an 'undue burden.'

By combining these barrier removal mandates, KMA recommends the following criteria for planning architectural barrier removal from facilities built before 1992.

1) No-Cost Barriers Removal, such as:
    1. Adjust door closers to require less pressure to operate.
    2. Relocate furnishings outside clear maneuvering/floor spaces
    3. Written protocols/signs about assistive listening devices/building or department

2) Entrances
    1. At least one entrance will be made accessible.
    2. Additional entrances will be made accessible, where possible, especially in larger facilities and where facilities are approached from more than one direction.
    3. Ambulatory access improvements – automatic door openers, handrails, hardware – will be included at other entrances.

3) Signage
    1. To identify accessible elements (pathways, entrances, toilets, etc.) when not all are accessible.
    2. To identify where accessible routes diverge from routes for the general public.

4) Toilets
    1. At least one/bldg
    2. Additional accessible toilets in larger facilities
    3. Improve those identified as accessible

5) Elements affecting life safety will be modified.
    1. Protruding objects
    2. Thresholds
    3. Alarms
    4. Emergency phones

6) Low-cost/high volume (door hardware, etc.) items will be addressed on a campus-wide or building-by-building basis, focusing on hi-volume/public areas first.

7) Barriers will be removed to minimize the need for "user requests."

8) Functional (but not code compliant) items will remain:
    1. Door Widths (30"-32" clear opening)
    2. Door Weights (7# interior; 15# exterior)
    3. Toilet locations (centerline is16" – 19" from the nearest wall)
    4. Clear maneuvering/floor space ((2" +/-)
    5. Ramp or walkway slopes (10% max. for ramp; 6% max. walkway; 3% max. cross-slope. All ramps and short walkways will be considered 'on average', unless slopes vary widely.)
    6. Threshold (¾" max, beveled)
    7. Etc.
    8. People with disabilities should confirm functionality of 'functional-but-non-compliant' conditions before finalizing the plan for each facility.

9) All barriers will be removed when necessary to access programs/services that cannot be relocated.

New Construction and Alterations

Since 1992 all alterations and new construction of campus facilities are required to be 'readily accessible to and usable by people with disabilities.' Complying with the *ADA Accessibility Guidelines* (ADAAG) is evidence of compliance with this statutory requirement.

Many of Middlebury College's facilities have been altered constructed since 1992, and access improvements have been included in all of them. However, based on the access

audits of 29 representative facilities as part of the Master Planning process, it is clear that construction is not fully compliant with these minimum standards. As a result, certain conditions should be mitigated to improve access in newly constructed and altered facilities. The following criteria will be used to determine which conditions to modify:

1) Functional (but not code compliant) conditions will remain:
   a. Door Widths (30"-32" clear opening)
   b. Door Weights (5# interior; 15# exterior)
   c. Toilet locations (centerline is16" – 18.5" from the nearest wall)
   d. Clear maneuvering/floor space (2" +/-)
   e. Ramp or walkway slopes (10% max. for ramp; 6% max. walkway; 3% max. cross-slope. All ramps and short walkways will be considered 'on average', unless slopes vary widely.)
   f. Etc.
   g. People with disabilities should confirm functionality of 'functional-but-non-compliant' conditions before finalizing the plan for each facility.

2) Conditions that meet the 'new' (2004) ADAAG (although they may not meet the current, enforceable standards).

X UNIVERSAL ACCESS: ARCHITECTURAL BARRIER REMOVAL
3 Sample Facilities

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Barrier removal criteria were tested in three campus facilities representing new construction (Middlebury Library), alterations (Kelly/Lang Complex), and a building built prior to the ADA (Sunderland Language Center). The construction cost estimate for full barrier removal for these three facilities is $1,066,241. The estimate for barrier removal that would meet the requirements of the ADA and Section 504 of the Rehabilitation Act is between $754,000 - $994,000.

Library	$175,000 - $255,000
Kelly/Lang Complex	$59,000 - $219,000
Sunderland Language Center	$520,000
	$754,000 - $994,000

Half of these costs could be avoided in the future with targeted design and construction management protocols that prevent compliance errors in alterations and new construction.

The access audits for these facilities are found in the Appendix to this report.

XI TRAINING

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Several training needs have emerged as access policies and issues are discussed. These include:

TOPIC	AUDIENCE
• ADA/504 Boot Camp and Middlebury College's Universal Access Plan	Senior Administrators Open Meeting to Campus Community
• Disability Awareness and Etiquette	Deans, Public Venue Administrators, Public Safety Officers, Admissions
• Architectural Barrier Removal Requirements and Project Management Protocols	Facilities Services Project Managers and Administrators
• ADA Rights & Responsibilities	Faculty and Staff
• Confidentiality and Need-To-Know	Accommodation Implementers – Public Safety, HR, ADA, Health Ctre, ADA Cmte, Grievance Cmte

These training initiatives will be developed in Phase II of the Universal Access Planning Committee's work.

XII DISABILITY MANAGEMENT ADMINISTRATION (Phase II)

August 2008

The College's disability management and administration will be reviewed, and recommendations developed in Phase II of the Universal Access Plan development process.

XIII BUDGET (Phase II)

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A budget proposal for implementing the College's Universal Access Plan will be developed in Phase II.

XIV APPENDIX

Draft 1.0

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A. Lessons Learned from ADA/504 Settlement Agreements
B. Sunderland Hall Universal Access Plan
C. Kelly/Lang Complex Universal Access Plan
D. Middlebury Library Universal Access Plan
E. Middlebury College Universal Access Committee Members

LESSONS LEARNED

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August 2008

Adopted from Analysis by Mary F. Thomas

The following matrix is a detailed comparison of recent federal settlement and resolution agreements between federal agencies and colleges and universities. There are several clear lessons to be learned from these agreements.

1. **Universal Access Plan.** Colleges and universities need a universal access plan in today's litigious culture. The Plan should illustrate the following:
   a. The institution's commitment to provide meaningful access to individuals with disabilities;
   b. Written policies and procedures;
   c. Institutional expertise;
   d. Consistent application of policies and procedures;
   e. ADA and 504 Coordinator;
   f. Proper methods of administration;
   g. Ongoing architectural barrier removal and accessible new construction;
   h. Capital and operational budget allocations
2. **Program Access and Readily Achievable Barrier Removal.** Institutions should have a specific barrier removal plan to permit program access obligations and comply with ongoing obligations to address readily achievable barrier removal simultaneously.
3. **New Construction & Alterations.** When newly constructed facilities did not fully conform to ADA Accessibility Guidelines, modifications were required.
4. **5 Year Barrier Removal Plan.** Federal investigations of representative campus facilities were reviewed, and colleges had to develop a comprehensive access audit and barrier removal plan within a year; and then remove all barriers within 5 years.
5. **Typical Problem Areas.** Problems that required modification and reconstruction include:

- Parking
- Interior & Exterior Walkways
- Entrances and Interior Doors
- Egress
- Assembly Areas
- Assistive Listening
- Toilet Rooms
- Accessible seating, tables, and labs
- Signage
- Alarms
- Emergency and Public Pay Phones
- Controls

6. **Policies and Procedures.** Although many colleges and universities make accommodations for students and staff with disabilities, it is critical that these policies be written and communicated widely.
7. **Program Relocation Procedure.** Where programs and services are offered in inaccessible locations, they can be relocated to accommodate students or visitors with disabilities. The process for requesting and relocating programs must be clearly defined and operational.
8. **Emergency Preparedness Plan.** Recent settlement agreements require a written emergency evacuation plan that demonstrates equal access to safe egress for people with disabilities. Recent emergencies, such as Katrina and the Virginia Tech incident, have heightened the need for these plans to be developed, communicated, and practiced.

Clearly it behooves all colleges and universities to review the status of accessibility on their campuses. Voluntary and credible campus-planning and accessibility initiatives - including capital budget planning - far outweigh federal oversight, aggressive schedules, and intrusive monitoring.

ADA/504 Higher Education Settlement Agreement Comparison

Mary Thoms
5/30/2008
For Middlebury College Universal Access Committee
Kessler McGuinness & Associates

US DoJ Settlement	
D	Duke University
M	Milliken University
UC	University of Chicago
CC	Colorado College
SW	Swarthmore College

US DoE/OCR Settlement	
SC	Springfield College
CCC	Cedar Crest College

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
Alternative to barrier removal (program access)								
	Use of transportation vs. renovation/construction of routes						x	x
	Assignments of aides and beneficiaries						x	x
	Home visits						x	x
	Relocation						x	x
	Use of buzzer system		x					
	Free laundry service in lieu of retrofitting laundry rm				x			
	Develop computer program providing graphics & textual description of museum exhibits		x					
Assistive Listening Devices (ALDs)								
	4%	x	x					
	2%			x	x	x		
	Signage	x		x	x			
Auto door openers								
	When exceeding 8 lbf	x						
	When maneuvering clearance infeasible	x						
Auxiliary aids		x	x					
Cane detectable barriers		x						
	At protruding objects	x				x		
Circulation paths								
	Among accessible buildings	x	x	x	x			
	Grates						x	x
	To athletic fields, lawns, quads						x	x

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Obstruction removal					x	x	x
	Tactile warnings at unlocked hazardous locations						x	x
	Width	x		x		x		
	Passing space	x		x				
	Headroom	x		x	x	x		
	Surface textures	x		x				
	Slope	x		x	x	x	x	x
	Change in level	x	x	x	x	x	x	x
	Floor surfaces	x		x				
	Interior			x	x			
	From public drop off points			x		x		
	From parking areas			x		x	x	x
	Protruding objects	x			x	x		
	Pathway to programs						x	x
	In vehicular traffic					x		
Civil penalties		x						
Coat check area			x					
Coat hooks			x			x		
	Reach ranges		x			x		
Complaint-based								
	DOJ	x	x					
	DOE		x					
	HUD		x					
Computer stations								
	Access to laptops in lieu of accessible computer desks						x	x
	Heights		x					
Contractor accountability				x				
Controls & operating mechanisms		x				x	x	x
	Pencil sharpeners, light switches, ATM						x	x
Counters								
	Sales and Service	x				x		
	Signage	x						
	Heights	x			x	x		
	Clear floor space	x				x		
Curb ramps								
	Stable, firm and slip resistant	x	x			x		
	Install ramp	x	x					
	No change in level		x			x		
	Cross slope					x		
	Request that City install			x				
Doors								
	Entrances-bldg.	x	x	x	x	x	x	x
	Entrances-room	x	x	x	x	x		
	Egress routes	x		x	x			
	Pressure 8lbf	x						
	Pressure 5 lbf		x	x		x	x	x

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Automatic opener	x						
	Maneuvering clearances	x	x	x	x	x	x	x
	Double leaf-clear width	x				x		
	Thresholds	x	x	x	x	x		
	Hardware	x	x	x	x	x	x	x
	No turnstiles	x						
	Clear width	x	x	x		x	x	x
	Signage	x	x	x	x	x		
Elevators								
	Controls	x		x		x	x	x
	Cab size exemption	x						
	Install		x	x		x		
	If key operated then key must be available		x					
	Operational during all times that bldg. is open						x	x
	Auditory signals						x	x
Entrances								
	Clearance/Width	x			x	x		
	1 non-service	x						
	Signage	x		x		x		
	At front of building						x	x
	Threshold		x	x		x		
Fire Alarm System	Audible & visual	x			x	x	x	x
Facility Assessment Matrix				x				
Food service/dining								
	Clear width	x			x			
	Tray slides	x				x		
	50% within reach range	x						
	Counters	x			x	x		
	Tables	x			x			
	Dirty dish return		x					
Furniture								
	Tables, work surfaces						x	x
Housing								
	Toilet rms at least 2 or 1 unisex	x						
	Survey all compliant residential units				x			
	Survey 1/3 of non-complaint residential units				x			
	50% of rooms on accessible floors must have accessible entrance	x						
	Entrance	x		x				
	Visitor toilet rm - if provided			x		x		
	Signage	x	x					
	Grab bars	x					x	x
	Swing free hinges	x						
	Showers	x			x	x		
	Public & common spaces	x		x	x	x	x	x

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Roll-in showers	x						
	2% rms accessible	x						
	3 % rms accessible			x	x	x		
	5 % rms accessible						x	x
	Distributed throughout campus	x				x	x	x
	Dispersed as negotiated			x	x	x		
	On various floors	x			x			
	Choice of sizes	x			x		x	x
	Choice of types	x			x		x	x
	Choice of amenities	x			x		x	x
	Bathrooms entrances within inaccessible rms to be enlarged per request		x					
	Reasonable # of housing facilities to have entrance, common area, toilet rm (all if provided) to be used by visitor with disability			x	x			
	Window mechanisms						x	x
Handrails		x				x	x	x
Interaction between university and city				x				
Kitchens							x	x
Labs								
	Eye wash						x	x
	Operable mechanisms						x	x
	Counters						x	x
	Fire blanket						x	x
Library								
	Carrels - 5%	x						
	Stacks				x	x		
	Tables	x			x			
Lifts								
	Pool	x						
	Transportation vehicles			x				
	Install			x		x		
Locker rooms								
	Access to	x				x	x	x
	Player areas	x						
	Seating	x				x		
	Showers	x				x		
	Wall mounted hair dryer		x			x	x	x
	Mirror		x					
	Lockers	x						
	Hooks					x	x	x
Maintenance								
	Operable working conditions of facilities features and equipment			x				
	Transportation vehicles			x				

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
Map								
	Continually update	x						
	Reasonably update		x					
	Info updated regularly - not necessarily map			x	x		x	x
Methodology								
	Architectural firm (external)			x				
	Compliance Officer for duration of agreement			x	x	x		
	Facility Assessment Matrix			x				
	Interaction between university and city			x				
	Comprehensive Physical Access Plan to be approved by Agency			x	x	x	x	x
	Transitional Plan, including time schedule						x	x
	Potential U.S. District Court enforcement			x	x	x		
	Two additional employees to be hired			x	x	x		
	Surveys	x		x	x	x		
	Training (staff)			x	x	x		
	Meet with DOJ w/in 1 year			x				
	Provide architectural drawings upon request		x	x				
	Mediation potential			x	x	x		
	Public review and comment solicitation (Physical Access Plan)			x	x	x		
	Board of Trustee approval			x				
	Capital Operating Budget implications			x				
	Right to renegotiate	x		x	x			
New construction & alterations accountability		x	x	x	x		x	x
Violation of new construction standards (alleged)				x	x			
Notification kits		x						
Parking								
	By lot	x					x	x
	By facility			x	x			
	Signage	x		x		x	x	x
	Striping	x					x	x
	Employees	x						
	Students	x						
	Visitors	x						
	Restricted/unrestricted	x		x				

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Access aisle	x	x	x		x	x	x
	Cross slope	x	x	x		x		
	Van access	x		x				
	Width	x	x	x		x		
	Accessible route from parking	x		x	x		x	x
	Accessible approaches			x	x		x	x
Path of travel		x		x		x	x	x
Policies & procedures								
	Classroom Relocation	x				x	x	x
	Program Relocation	x		x	x	x	x	x
	Housing selection	x				x	x	x
	Installing horn strobes prn	x				x		
	Physical Access Plan			x		x	x	x
	Facility Assessment Matrix			x				
	Doors to all accessible routes to remain open during normal operating hrs						x	x
	Access to outdoor facilities						x	x
	Access to transportation						x	x
	Redesign of specialized equipment						x	x
	Access to alternative formats						x	x
	Disability services & facilities access		x				x	x
	Emergency evacuation plan			x	x	x	x	x
	Request for assistive listening devices			x	x	x		
	Use of consortium = discrimination						x	x
Progress reports								
	Within 30 days of deadlines	x						
	Within 90 days of deadlines		x					
	Six month intervals			x			x	x
	Annual projection for next year			x				
	Use of digital photos			x	x	x		
	Annual report				x	x		
Ramps								
	Edge protection	x					x	x
	Cross slope	x			x	x	x	x
	Slope 1:12	x	x		x	x	x	x
	Landings		x			x	x	x
	Threshold/Change in level	x	x					
	Handrails/both sides	x	x		x	x	x	x
	Surface		x				x	x

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Curb ramps at public rights of ways			x		x		
	Free of debris	x						
Reasonable time extensions		x		x				
Remedial timeframes								
	6 years				x			
	5 years	x						
	5 years		x					
	4 years			x		x		
	Potential mediation at 2 years			x				
	Public comments, available to DOJ within 30 days of request			x	x			
Restrooms/toilet rms								
	On each flr of each bldg with toilet rooms	x					x	x
	At least one in each building						x	x
	Thresholds						x	x
	Stalls - 56-59"						x	x
	Door width						x	x
	Toilet seats				x	x	x	x
	Toilets center @ 18 "				x	x	x	x
	One on accessible level			x		x		
	Signage	x	x	x		x	x	x
	Faucet	x	x	x			x	x
	Insulated pipes	x	x	x		x	x	x
	Paper towel dispenser	x	x	x		x	x	x
	Grab bars	x	x	x		x	x	x
	Maneuvering space		x		x	x	x	x
	Mirror	x	x	x		x	x	x
	Shelving Height						x	x
	Wall-mounted hair dryer		x			x		
	60" wide accessible toilet stall		x			x		
	Sink	x	x				x	x
	At least 1 urinal w/lower rim		x			x	x	x
	Knee and clear floor space under lavatory	x	x	x	x	x	x	x
	Conversion to accessible unisex or standard stall	x	x		x	x		
	Hardware (door)					x	x	x
	Toilet paper dispenser					x	x	x
Retroactive compliance for facilities constructed or altered (ADAAG 1993-06)				x	x			
Retroactive compliance for facilities constructed or altered (UFAS 1/18/1991)							x	x
Restaurant/cafes		x						
Seating								
	Auditorium> 300	x	x	x	x			

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	Auditorium < 300	x	x	x	x			
	1% aisle with removable or folding arm rests & marker	x		x				
	Classrooms				x			
	Wheelchair seating	x	x	x	x	x	x	x
	Companion	x	x	x		x		
	More than 1 location	x	x					
	Line of sight	x		x				
	Booths		x					
	Tables	x	x					
	Picnic areas		x					
	Pool event wheelchair bleacher seating		x					
	At all fixed seating tiered locations		x					
	Signage	x						
Shelving							x	x
Showers								
	Accessible seat	x	x			x	x	x
	Roll-in (1/3 of all showers)	x	x			x		
	Grab bar	x	x			x		
	Transfer or roll-in		x					
	Signage	x						
	Hand held shower/seat/tub		x					
	Threshold						x	x
	Controls						x	x
Signage								
	Exterior (directional)	x	x	x		x	x	x
	Interior (directional)	x		x		x		
	Permanent rm (Braille)	x	x	x	x	x	x	x
	Seating availability	x		x				
	Location of accessible entrance	x	x	x	x		x	x
	Location of accessible toilet rooms			x	x	x		
	Eliminate erroneous "accessible" designation		x					
Sinks								
	Faucet control						x	x
	Clear floor space						x	x
	Knee clearance						x	x
Stage Access		x	x		x	x	x	x
ADAAG Standards		x	x	x	x	x		
UFAS Standards							x	x
Surveys								
	All facilities, 1st flr	x						
	Upper floor access	x						
	Upper flrs if served by elevator			x				

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
	New construction for deviations			x		x		
	Open use facilities			x		x		
	Parking	x		x				
	Accessible routes from parking	x		x				
	Water fountain (if provided) on accessible level	x		x		x		
	Toilet rms or unisex	x		x				
	Public phones (if provided) on accessible level			x				
	Permanent rm signage	x		x				
	Elevators/lifts	x		x				
	Seating in classrooms or auditoriums, etc	x		x		x		
	Exterior circulation routes	x		x				
Telephones								
	Public	x				x	x	x
	Public (if offered)		x	x	x			
	Emergency	x						
Terminology								
	Readily achievable	x	x	x	x	x		
	Readily accessible						x	x
	Maximum extent feasible	x	x	x		x		
	Maps - continually update	x				x		
	Website - continually update					x		
	Maps - reasonable update		x					
	Accessibility information - Updated regularly			x				
	Minimally accessible buildings	x						
	Public-use facility		x					
	Existing limited-use facilities or portions			x				
	Open-use facilities			x				
	Open-access facilities				x	x		
Training for staff				x		x		
Transportation		x		x				
	Fixed routes and demand response	x		x			x	x
	Must be accessible if > 16 passengers & provided after Aug. 25, 1992			x				
	Must ensure equivalent level of service if < 16 passengers & provided after Aug. 25, 1992			x				
	To off campus dorms			x				
	Curb ramps to bus stops	x						
	Within campus boundaries							
	Continually update bus schedule	x					x	x
Vending machines		x				x		

Issues		D 2000	M 2002	UC 2006	CC 2006	SW 2007	SC 2005	CCC 2005
Upper floor access to programs		x	x	x	x	x	x	x
Urinal			x					
	48 " clear floor spaces	x	x				x	x
	In each minimally access bldg	x	x					
	Controls						x	x
	One at standard height		x			x		
Water fountains		x	x	x				
	One in each accessible bldg.	x						
	One in each accessible bldg if provided		x	x	x			
	Use of disposable cup dispenser		x					
	One at standard height		x			x		
	One on each accessible floor						x	x